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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,918 | 01/02/2001 | Chae-Moon Lee | A33895 | 1247 |

21003 7590 06/10/2004

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NEW YORK, NY 10112

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| EXAMINER |
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BYRD, JOHN

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| ART UNIT | PAPER NUMBER |
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2667

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DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,918

Applicant(s)

LEE ET AL.

Examiner

John B Byrd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 is/are rejected.
7) ☒ Claim(s) 2-15 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 1/02/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/752,918.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 - 15 are objected to because of the following informalities:

-Consider claim 1, lines 13 – 15, which states the following:

“a clock generating means for clocks necessary for controlling the BTS and the BSM based on time and frequency clocks received from a global positioning system (GPS).”

The above wording is not clear and can easily be misleading to the nature of the claim. Appropriate correction is required.

-Consider claim 4, lines 3 - 4, which states the following phrase:

“.....and ATM cell arrange of the ATM signal adapt handling means.”

The above phrase is unclear and can be misleading to the general public on what is being claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al (PN: US-6,049,543) in view of the applicant's admitted prior art.

-Consider claim 1, Sauer et al (hereafter Sauer), disclose an apparatus for controlling a base transceiver station in an IMT system (see column 5, line 22 – 25). Sauer explains a system comprising of a plurality of base transceiver stations (BTS), a base station controller, base station management (BSM), and a mobile switching center (MSC). This

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anticipation is shown in figure 2, item 263; figure 9B, item 5; figure 1B, item 114; figure 7, item 14; and column 5, lines 27 – 36. Sauer discloses a local routing means for interfacing the BTS with the MSC; see figure 1B, item 118. Sauer disclose an apparatus comprising a vocoding means for vocoding voice data received through the local routing means (see figure 4, item 301). A global routing means is also presented for interfacing among the local routers and the BSM (see figure 1B, item 103).

Sauer does not disclose expressly that the prior art utilizes communication with a global positioning system (GPS) and a clock generating means for controlling the BTS and the BSM based on time and frequency clocks received from the GPS. The admitted prior art disclosure teaches (see pages 2 and 3 of the specification; and figure 1, item 27), that of a clock means, which can operate in a manner of controlling the BTS and the BSM based on time, and frequency clocks received from a GPS.

A person of ordinary skill in the art would have been motivated to employ the admitted prior art disclosure in Sauer, in order to obtain the communication with a GPS component. Coupling the clock means disclosed in the admitted prior art with that of the MSC disclosed in Sauer would provide a means for controlling the BTS and the BSM based on time and frequency clocks received from the GPS. At the time the invention was made, it would have been obvious to one of ordinary skill in the art, to which the invention pertains, to combine Sauer with Lee's admitted prior art disclosure (figure 1, item 27) to obtain the invention as specified in claim 1.

Allowable Subject Matter

4. Claims 2 – 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

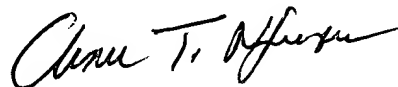
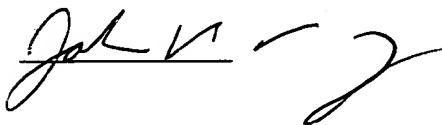
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B Byrd whose telephone number is 703-305-4682. The examiner can normally be reached on 7:30am - 4:00pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBB



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600